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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/089,871 06/24/98 BARENDSE

R 97253-A

020306 HM12/0925  
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EXAMINER

THING P

ART UNIT

PAPER NUMBER

1652

DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/089,871**

Applicant(s)  
**Barendse et al.**

Examiner  
**Peter Tung**

Art Unit  
**1652**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 6, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-28, 31-35, 39, and 40 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-28, 31-35, 39, and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### DETAILED ACTION

1. Claims 18-28, 31-35, 39 and 40 are pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 18, 19, 26-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

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4. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

5. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. as applied to claim 19 above, and further in view of Markussen et al. (U.S. Patent No. 4,106,991). The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

6. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

7. Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

8. Claims 19, 21, 22, 25 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Rokey et al (U.S. Patent No. 5,480,673). The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

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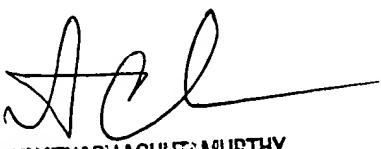
9. Claims 18 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

10. Claims 21, 22, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Jacobsen et al. as applied to claim 19 above, and further in view of Aulik et al. (U.S. Patent No. 4,959,240). The claims are rejected for the same reasons as explained in the previous Office action dated 7/5/01.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Tung, Ph.D. whose telephone number is (703) 308-9436. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy, Ph.D., can be reached on (703) 308-3804. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

  
PONNATHAPU ACHUTAMURTHY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1000